

REMARKS

In her last action, the Examiner indicated the subject matter of claim 21 was allowable, and thus this subject matter has been added to claim 20. Claim 21 has been cancelled, and it is submitted claim 20 is now clearly allowable.

Claims 4-7 and 10 and 11 have been cancelled as redundant as their subject matter is included in claim 1 from which they depend.

The Examiner had also rejected claim 17 under §102 in view of the Valentino patent and under §103 by also noting the Mahoney patent. Claim 17 has been amended to more specifically define the core as a balloon weight, i.e., claim 17 recites the core as a “weighty mass of dense material provided with sufficient weight to hold a plurality of buoyant party balloons in place... .” The inserts of the references are certainly not described as weighty mass of dense material, are certainly not designed nor engineered to have sufficient weight to hold a plurality of party balloons and are not described as having sufficient weight to hold a plurality of party balloons.

Further, the rejection under §103 of a combination of non-analogous references is believed improper. As noted in M.P.E.P. § 2141.01(a), a reference applied under § 103 must be from an analogous art. In order to rely on a reference as a basis for rejection under § 103, the reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned. *In re Oetiker*, 24 U.S.P.Q.2d 1443, 1445 (Fed. Cir. 1992). See also *In re Deminski*, 230 U.S.P.O. 313 (Fed.

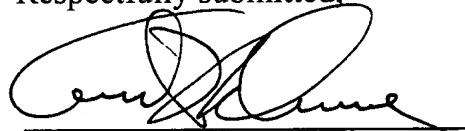
Cir. 1986); *In re Clay*, 23 U.S.P.Q.2d 1058,1060-61 (Fed. Cir. 1992) ("A reference is reasonably pertinent if, even though it may be in a different field from that of the inventor's endeavor, it is one which, because of the matter with which it deals, logically would have commended itself to an inventor's attention in considering his problem."); and *Wang Laboratories Inc. V. Toshiba Corp.*, 26 U.S.P.Q.2d 1767 (Fed. Cir. 1993).

Neither the Valentino nor Mahoney patents relate to balloon weights.

New independent claims 23 and 24 have been added to further define the core, and clearly define over the Valentino and Mahoney patents.

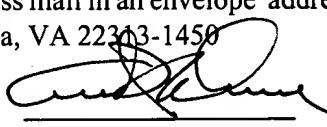
Reconsideration and an early notice of allowance is, therefore, requested.

Respectfully submitted,



Gerard F. Dunne, Reg. No. 27,286
Attorney for Applicant
156 Fifth Avenue
Suite 1223
New York, N.Y. 10010
(212) 645-2410

I hereby certify that this correspondence is on August 4, 2003 being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450



August 4, 2003

Gerard F. Dunne